

Alta. Dep. of Attorney General
[Brief submitted to the Minister]
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SUBMISSION

TO

THE ATTORNEY GENERAL;

CONCERN OF RURAL MUNICIPALITIES IN RELATION TO THE POLICE ACT

**RESPECTFULLY SUBMITTED
JANUARY 1973**

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Member Municipalities of the Alberta Association of Municipal Districts and Counties have expressed their concern over some sections of the existing Police Act, particularly Section 9, which is severely restrictive of the authority that can be exercised by Municipal Police. Indeed, the current Act fails to recognize the need for Municipal Police in the rural areas. We therefore are pleased to note that the proposed revision does specifically deal with County and Municipal District policing.

However, the powers of a County or Municipal District constable would still be too restricted under the proposed revisions to properly meet the needs that commonly exist within our rural areas, where conditions and problems are somewhat different to those existing in towns and villages.

Let us consider briefly some of the more common type of complaints that are encountered in the rural areas. The theft of gasoline or fuel oil is a frequent occurrence, especially as most farms normally have large quantities in barrels or overhead tanks temptingly available. The successful apprehension of the thief frequently depends on the efforts of a constable who is intimately familiar with the area and its people. Other offences may include the stealing of livestock, and farm produce, trespassing, infractions of the game act, public nuisance (partying in private lanes, etc.), public mischief (molestation of livestock, damage to trees, crops, and machinery, etc.) In all these cases the immediate attention that can be given by a constable who has a thorough knowledge of the area is most valuable.

We are not suggesting that such cases should be solely the responsibility of a Municipal constabulary, but rather that the immediate response and active co-operation in investigation can be of great assistance to the R.C.M.P. who may ultimately take charge. It should be pointed out that most farm people are not able to precisely pin-point their location during the stress of an emergency situation, especially to a stranger over a telephone.

This is due to the lack of a house numbering system such as is common in urban areas, and perhaps explains the often heard complaint that the R.C.M.P. didn't come when called, or came the next day when it was too late. Hence the great value of having a constable familiar with the location of the people within his area.

A curious anomaly exists in the proposed act. Presumably a Municipal Constable would have authority to apprehend and charge a person caught speeding on a county road upon which speed restrictions had been posted by by-law, but could do nothing about a car going 80 M.P.H. on a county road that comes under the general Provincial law allowing only 50 m.p.h..

Further difficulty can be experienced by Municipal constables if they have no jurisdiction over Provincial highways within the boundaries of a Municipal District or County. Can they pursue and arrest someone on a Provincial highway who has violated a Municipal by-law such as a loading restriction, or the dumping of waste in a ditch?

It is desirable that some form of co-operation be allowed in the act so that the constables of towns and villages located within a County or Municipal District may be able to work with the rural constable in cases that concern both or transverse the jurisdictional boundary. We suggest that authority be available for agreement between municipal authorities regarding police co-operation. Consideration of the foregoing makes it apparent that the status and authority of a County or Municipal District constable should be enlarged somewhat from that contemplated in the proposed revision of the act. We would suggest that the authority of a constable in a rural municipality should include the power to act in the enforcement of Provincial Statutes, and certain sections of the Criminal Code. We see a real need for the constable to be authorized to take appropriate action when dealing with situations such as the following: Driving while impaired, dangerous driving, public mischief, assault, theft, breaking and entering, causing disturbance in a public place, etc. He should have the power to apprehend and deliver.

We note that Section 44 sub-section 5 of the proposed revision does provide for the Attorney General to appoint a Municipal Constable as a special constable "when it appears to be expedient". We feel however, that, providing certain requirements as to training and experience can be met, it would be better for the Municipal Constable to have a generally recognized status with a distinctive uniform that clearly indicates the authority with which he acts. This would avoid public confusion that might arise between by-law enforcement officers and special constables when a variance of status prevails in neighboring Municipal Districts or Counties.

This raises the matter of appropriate training for rural police forces. The courses that were previously offered for Municipal police were well received and proved of great value. These courses were sponsored by the Province and the student costs were also carried by the Province. An alternative would be to utilize an existing police school such as the Edmonton City has, perhaps with some supplementation to deal with particular rural problems. A portion of such a course should stress the importance of close co-operation with the R.C.M.P. We feel that the Department should give some attention toward developing this close working relationship.

In conclusion may we briefly summarize the advantages we feel would be gained by providing for a recognized and effective rural police force:

1. A thorough knowledge of the area.

Knowing the obscure trails and short-cuts; the normal operation of the various farms, the location of party hide-aways, normal traffic patterns, possible impact of storms, etc., is an obvious practical advantage that needs no further comment.

2. An intimate knowledge of the people

A familiarity with the precise location, extent of farm operation, other occupations, recreational habits, etc., of families within the area can only be gained through some years of local experience. This is almost impossible for the R.C.M.P. to match as they have far too large an area to cover and in any case are frequently moved.

3. As a consequence of the above points a local constable develops an awareness of normalcy and a sensitivity toward trouble, sometimes potential trouble, that can often avert serious consequences.

4. Availability

Because he is already within the area and because he is familiar with it, as afore mentioned, he is usually able to respond to a call very quickly, occasionally a matter of some urgency.

5. Acceptance

As protection of, and service to, the local people are the first priority of Municipal police, there is greater opportunity to develop a good public relationship. People learn that they do not have to lay a charge before they can expect help from their local police.

6. Assistance to the R.C.M.P.

In view of their intensive training and broad field of experience, it is recognized that the R.C.M.P. are the superior police organization. However, because local constables have certain inherent advantages as previously outlined, they can be of great assistance to the R.C.M.P. We suggest that in all cases involving the Criminal Code, the Municipal constable should immediately contact the R.C.M.P. (usually this can be done by radio) and proceed under their advice and direction.

In light of the concerns and considerations we have placed before you, the Alberta Association of Municipal Districts and Counties, respectfully urge your department to favourably consider making provision in the new Police Act to allow for the establishment of rural municipal police forces that can operate effectively with the authority, recognition and respect necessary to fulfill the needs of our rural areas.

